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EXAMINER				
BELANI, KISHIN G				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/665,501

**Applicant(s)**

SUGIMOTO ET AL.

**Examiner**

KISHIN G. BELANI

**Art Unit**

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5, 7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### DETAILED ACTION

This action is in response to Applicant's amendment filed on 04/20/2009. **Claims 3, 4, 6, and 8 have been cancelled. Claims 1, 2, 5, 7, and 9 are now pending** in the present application. The applicants' amendments to claims are shown in ***bold and italics*** and the examiner's response to the claim amendments is shown in **bold** in this office action. **This Action is made FINAL.**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Von Kohorn (U.S. Patent Publication # 5,697,844)**.

Consider **claim 1**, Gogerty shows and discloses an e-mail processing server for relaying an e-mail which is transmitted between mobile terminals and performing a lottery to award a prize to a user of the mobile terminal (Abstract that discloses a system and method for rewarding users of an electronic communication system by performing a periodic free random lottery drawing from a pool of e-mail recipients; Fig. 7 that shows a wireless communication system adapted to perform a lottery to award a prize to a user of a mobile terminal 702, wherein a message processing server 706 includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients, and a lottery processing block 106; paragraph

0034 discloses the same details, further disclosing that the mobile terminal may be a mobile phone, PDA, pager, or any other text or video communication-capable device), comprising:

a receiver for receiving an e-mail from a first mobile terminal and a sender for sending the e-mail to a second mobile terminal (Fig. 7 that show a sender 702 as well as a receiver 702 of a message, including an e-mail message; paragraph 0034 describes the same details);

a storage for storing send information of the e-mail, which is sent from the receiver or sender, the send information including the number of received e-mails and total amount of received data by said first and second mobile terminals (Fig. 3 that shows storage 306 (a lottery database) for storing unique extracted message details 302 from an incoming message, in order to decide a winner while performing a lottery; paragraph 0026 discloses the same details; paragraph 0028 further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the message volume (such as the number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message);

and a lot-drawer for executing a lot-drawing from the winning probability decided by the winning probability decider (abstract that discloses generating in real time, a unique ID for each message and then later performing a periodic free random lottery drawing from

the pool of unique IDs; Figs. 3 and 4 show the same details; paragraphs 0006 and 0026 disclose the details of a lot-drawer for executing a lot-drawing); wherein if the winning probability results in the second mobile terminal winning a prize, a winning notification is attached to only one of the received e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal (Fig. 4, step 414 that shows a winning notification being sent to the sender of the e-mail; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message; Figs. 4 and 5 that show and paragraphs 0027-0030 that disclose two different embodiments of notifying a lottery winner, wherein in Fig. 4, a single lottery winner is notified (in step 414) in a message separate from the winning e-mail message to the recipient, Fig. 5 shows creating a message appendage (in step 504) and adding it to the received e-mail message (in step 506), then sending the modified message to the recipient, thereby providing a teaching to a person of ordinary skill in the art to attach a winning notification to only one of the received e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal, if the winning probability results in the second mobile terminal winning a prize).

However, Gogerty does not explicitly disclose a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the sent information stored in the storage.

In the same field of endeavor, Von Kohorn discloses a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the

second mobile terminal according to the sent information stored in the storage (column 121, lines 4-38 that while all entered responses in the described contest have a chance of winning a sweepstakes prize, entered responses with superior scores are weighted so as to increase the probability of winning).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the second mobile terminal according to the sent information stored in the storage, as taught by Von Kohorn, in the claimed server of Gogerty, so that the customers with superior scores (parameters that contribute more to the service provider's revenue, such as higher number of received e-mails or larger volume of e-mail content of the instant application) have a better chance of winning the lottery, and therefore be tempted to further enhance the revenue generation prospectus of the service provider.

**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogerty (U.S. Patent Application Publication # 2004/0117245 A1) in view of Von Kohorn (U.S. Patent Publication # 5,697,844), and further in view of Noh et al. (U.S. Patent Application Publication # 2001/0051896 A1).

Consider **claim 2**, and **as applied to claim 1 above**, Gogerty as modified by Von Kohorn, shows and discloses the claimed invention except further comprising a notice information sender for sending notice information, which informs the second

mobile terminal that an e-mail has been sent to the recipient; and a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver.

In the same field of endeavor, Noh et al. show and disclose a notice information sending means for sending notice information, which informs the second mobile terminal that an e-mail has been sent to the recipient (Fig. 3F, that shows received mail tray 660 in Outlook Express Window and block 650 which is the notice from the SMTP server to the recipient of the e-mail; paragraph 0086 which indicates the presence of a notice information sending means at the sending server that sent the e-mail notices to the recipient); and

a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows (Fig. 3G that shows block 651 representing notice from the server, the block containing "acceptance" button 652 as well as "cancel" button; either of which when clicked, requests the sending server to send an e-mail that the notice information shows; which indicates the presence of a request-to-send information receiving means at the sending server);

wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver (Fig. 3H that shows an advertisement window 651 sent by the server along with the e-mail to



the second mobile terminal recipient in response to the recipient clicking on either the "acceptance" button 652 or the "candle" button in Fig. 3G; which indicates the presence of a sending means for sending an e-mail to the second mobile terminal).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a notice information sender for sending notice information, which informs the second mobile terminal that an e-mail has been sent to the recipient; and a request-to-send information receiver for receiving request-to-send information, which is sent from the second mobile terminal, for requesting to send an e-mail that the notice information shows; wherein said sender sends the e-mail to the second mobile terminal in response to the request-to-send information received by the request-to-send information receiver, as taught by Noh et al., in the server of Gogerty, as modified by Von Kohorn, to provide additional means of communications for the second mobile terminal user by giving the user options to either accept the gift and the email or reject the gift and only receive the email by clicking on the appropriate buttons.

**Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Von Kohorn (U.S. Patent Publication # 5,697,844)** and further in view of **Acres (U.S. Patent Application Publication # 2002/0061778 A1)**.

Consider **claim 5**, and **as applied to claim 1 above**, Gogerty, as modified by Von Kohorn, shows and discloses the claimed e-mail processing server, including

sending the e-mail to the mobile terminal **(in Gogerty reference, Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702).**

However, Gogerty as modified by Von Kohorn, does not specifically disclose an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored (Fig. 10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of

the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing, as taught by Acres, in the server of Gogerty, as modified by Von Kohorn, to provide location of the prize information database in an email to the recipient so as to help the winner recipient quickly claim his or her prize.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gogerty (U.S. Patent Application Publication # 2004/0117245 A1) in view of Von Kohorn (U.S. Patent Publication # 5,697,844) and further in view of Acres (U.S. Patent Application Publication # 2002/0061778 A1) and further in view of Landress et al. (U.S. Patent Application Publication # 2003/0191816 A1).**

Consider **claim 7**, and **as applied to claim 1 above**, Gogerty, as modified by Von Kohorn, shows and discloses the claimed e-mail processing server, including sending the e-mail to the mobile terminal **(in Gogerty reference, Fig. 7 that shows a message processing server 706 that includes a gateway 104 (shown as 101 in Fig.**

**7) for forwarding e-mail and other (SMS or multimedia) messages to recipients of mobile devices 702).**

However, Gogerty, as modified by Von Kohorn, does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal; an acquiring device for acquiring, from a database, storing location information showing a location on a network, where the digital contents are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing.

In the same field of endeavor, Acres shows and discloses an acquiring device for acquiring, from a database, storing location information showing a location on a network, where contents of a prize awarded to a user who won the lot-drawing are stored (Fig. 10, blocks 1020, 1025, and 1027; paragraph 0033, lines 23-28, which disclose an acquiring means (game program database 1025 in the game/redemption server 1020) and a reward redemption database 1027 that the game program 1025 searches for the prize won by the user; Fig. 9, block 909; paragraph 0032, lines 18-20, which describe that the redemption routine displays a reward web page in order to facilitate selection and delivery of the reward, thereby disclosing an acquiring means that provides the location of awarded prizes); and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of

the user who won the lot-drawing (Fig. 8, block 815; paragraph 0031, lines 28-29, which disclose that the game program displays a link to a redemption web site).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an acquiring device for acquiring, from a database, storing location information showing a location on a network, where the digital contents are stored; and a storing location information sender for attaching the storing location information acquired by the acquiring device to an e-mail, which is to be sent to a mobile terminal of the user who won the lot-drawing, as taught by Acres, in the server of Gogerty, as modified by Von Kohorn, to provide location information of the prize in an email to the recipient so as to help the winning recipient quickly claim his or her prize.

However, Gogerty, as modified by Von Kohorn, and Acres, does not specifically disclose that the prize involves digital contents that are enabled to play with the mobile terminal.

In the same field of endeavor, Landress et al., disclose a system for delivering customized multimedia communications (Abstract that disclose communicating personalized entertainment such as screensavers, reminder services, etc. integrally associated with sponsorship or advertisement information via the Internet or e-mail; paragraph 0004 that also specifies wireless networks used by cell phone users as delivery channels for the media delivery; paragraph 0016 additionally lists promotional "jingles" equivalent to cell phone ring tones and other audio segments (paragraph 0061, lines 1-5) as additional multimedia items to be delivered; paragraph 0060 that discloses an e-mail server 28a included in the web server 28 that allows users to send/receive e-

mails; paragraph 0146, lines 8-11 that disclose the use of cellular phones in the system).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide prizes, in the form of digital contents that are enabled to play with the mobile terminal, as taught by Landress et al., in the server of Gogerty, as modified by Von Kohorn and Acres, to provide instant enjoyment of the prize that the recipient can play on a mobile terminal.

**Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gogerty (U.S. Patent Application Publication # 2004/0117245 A1)** in view of **Bansal et al. (U.S. Patent Publication # 6,016,338)**.

Consider **claim 9**, Gogerty shows and discloses a system that monitors emails sent and received by mobile terminals for use in a lottery (Abstract that discloses a system and method for rewarding users of an electronic communication system by performing a periodic free random lottery drawing from a pool of e-mail recipients; Fig. 7 that shows a wireless communication system adapted to perform a lottery to award a prize to a user 702 of a mobile terminal, wherein a message processing server 706 includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages to recipients, and a lottery processing block 106; paragraph 0034 discloses the same details, further disclosing that the mobile device may be a mobile phone, PDA, pager, or any other text or video communication-capable device),

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comprising:

at least first and second mobile terminals (Fig 7 that shows a sending mobile terminal (mobile phone 702) as well as a receiving mobile terminal (mobile phone 702) sending and receiving messages, including e-mail messages; paragraphs 0023-0024 describe the same details);

a server which relays the emails sent from one of said first or second mobile terminals to the other, the server storing mobile terminal information which includes the number of emails received by each of the at least first and second mobile terminals and also the total amount of data received by each of the at least first and second mobile terminals, wherein the server determines a winner of a prize (Fig. 7 that shows a message processing server 706, which includes a gateway 104 (shown as 101 in Fig. 7) for forwarding e-mail and other (SMS or multimedia) messages between mobile terminals; Fig. 3 that shows storage 306 (a lottery database) for storing unique extracted message details 302 from an incoming message, in order to decide a winner while performing a lottery; paragraph 0026 discloses the same details; paragraph 0028 further discloses that lottery drawing in step 410 of Fig. 4 may be done periodically, or based upon an event, such as when the amount of prize reaches a certain level, or when the message volume (such as number of e-mails and the volume of e-mail data/content) reaches a predetermined level; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message), and attaches a winning notification when this determination is made to only one email corresponding to the winner (Fig. 4, step 414 that shows a winning notification being

sent to the sender of the e-mail; paragraph 0029 which further discloses that the winning entry may be as a result of the pre-registered user either sending or receiving an e-mail message; Figs. 4 and 5 that show and paragraphs 0027-0030 that disclose two different embodiments of notifying a lottery winner, wherein in Fig. 4, a single lottery winner is notified (in step 414) in a message separate from the winning e-mail message to the recipient, Fig. 5 shows creating a message appendage (in step 504) and adding it to the received e-mail message (in step 506), then sending the modified message to the recipient, thereby providing a teaching to a person of ordinary skill in the art to attach a winning notification to only one of the received e-mail sent from said first mobile terminal prior to being reviewed by said second mobile terminal, if the winning probability results in the second mobile terminal winning a prize).

However, Gogerty does not explicitly disclose ***a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the first or second mobile terminal according to the mobile terminal information stored in the server; and that the server determines a winner based in part on the winning probability.***

In the same field of endeavor, Bansal et al. show and disclose the claimed system, comprising ***a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the first or second mobile terminal according to the mobile terminal information stored in the server; and that the server determines a winner based in part on the winning probability*** (Figs. 1-2, lottery generator 42 (winning probability decider); column 1, line 64 through



**column 2, line 8 which disclose a lottery system awarding prizes based on the number of calls made and the total amount of call time (parameters analogous to the number of e-mails received and the volume of received e-mails during a lot drawing period in the instant application); further disclosing that if a call is eligible for entry into a lottery, a determination can be made whether the call has won the lottery; the determination (i.e. probability of winning) can be adjusted based on various criteria, including a participation history of the person, group, or entity associated with the call for lottery purposes, which can include a total number of calls made over a past period of time (i.e. according to the mobile terminal information stored in the memory 43 of the lottery module 4 (lottery server)), a total amount of call time, the types of calls made/received, etc.; column 5, lines 20-55 also disclose the same details).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of the first or second mobile terminal according to the mobile terminal information stored in the server; and that the server determines a winner based in part on the winning probability, as taught by Bansal et al., in the system of Gogerty, so as to reward customers who contribute higher revenue to the service provider.

***Response to Arguments***

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

The examiner has accepted the applicants' explanation for the 112-second paragraph rejection of claims 1-8, and has withdrawn the rejection.

However, the examiner respectfully disagrees with the applicants' argument for independent claim 1, that the cited Von Kohom reference (US Patent Publication 5,697,844) does not teach "a winning probability decider". The applicants' assertion that because Von Kohom does not disclose considering number of received e-mails or volume of received e-mails during a lot drawing period, it therefore fails to disclose a concept for "a winning probability decider". In Von Kohom reference, the winning probability is weighted based on a superior score, which is analogous to weighting a winning probability decider based on the highest number of e-mails received or the largest volume of received e-mails in the instant application. The fact that Von Kohom reference does not use received e-mails as a criterion is not necessary, because that feature is already taught in the primary Gogerty reference, Von Kohom reference was included only to show weighting of a winning probability criterion, which it adequately does.

The applicants further argue that the examiner's combination of Gogerty and Von Kohom is based on improper hindsight reconstruction in the motivation. The examiner has further clarified the motivation so as to better explain that the combination of Gogerty and Von Kohom is valid for the intended claim element it was supposed to

teach. Therefore, independent claim 1 is not considered allowable. No new arguments are presented for dependent claims 2, 5, and 7, which also remain rejected based on their dependency on the rejected base claim 1.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**Hand-delivered responses** should be brought to

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

*/Kishin G Belani/  
Examiner, Art Unit 2443*

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July 21, 2009

/George C Neurauder, Jr./

Primary Examiner, Art Unit 2443